IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 2342 OF 1999

DATED: 21-11-2007

BETWEEN:

Kallam Agro Products and Oils Limited,
(Solvent and Refinery Divisions) rep., by its
Occupier/Principal Employer, P. Papi Reddy,
Shyamalanagar First Lane, Guntur-6

.....Petitioner

AND

The Regional Provident Fund Commissioner-II,
Padmavathi Building, Lakshmipuram, Guntur,
Andhra Pradesh and two others

.....Respondents

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WRIT PETITION No. 2342 OF 1999

ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to the judgment in Case No. ATA/1(17)98, dated 10-12-1998 on the file of the Employees' Provident Fund Appellate Tribunal, New Delhi confirming the proceedings of the Regional Provident Fund Commissioner – II, Guntur and to quash the same as arbitrary and illegal.

The petitioner is a company incorporated under the Companies Act, 1956 established for ginning of cottonseeds for the purpose of manufacture of oil. The company has established another unit called oil division. The 1st respondent passed order dated 28-4-1998, determining the liability of the petitioner under Section 11-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 at Rs.1,69,129.50 ps towards the provident fund dues for the period from 1/97 to 2/98. Aggrieved by the same, the petitioner carried the matter in appeal before the 3rd respondent. The 3rd respondent after a detailed consideration of the order passed by the 1st respondent as well as the material placed before it, came to the conclusion that the 1st respondent had not committed any error calling for its interference. The plea of the organization seeking exemption for the infancy period of three years was not accepted and on the other hand, on the basis of the evidence, it was found that it was an extension of the original organization and, therefore, the question of exemption for three years during infancy period does not arise. This is purely a question of fact on the basis of which judgment was rendered by the 1st respondent which was confirmed by the 3rd respondent on appeal. I am of the opinion that no illegality or infirmity has been committed by the 3rd

respondent while confirming the orders passed by the 1st respondent and, therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioner is granted four months time for complying with the orders of the 1st respondent as confirmed by the 3rd respondent. No order as to costs.

_____ **C.V. RAMULU, J**

21-11-2007
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